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SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

STATEMENT OF THE UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS TO THE THIRD MINISTERIAL CONFERENCE OF THE WORLD TRADE ORGANIZATION (Seattle, 30 November to 3 December 1999)*

1. The United Nations Committee on Economic, Social and Cultural Rights (the Committee) recognizes the advantages of an international trading system as envisioned in the preamble to the 1994 Agreement Establishing the World Trade Organization (WTO) with avowed objectives including higher standards of living, steady growth of real income, full employment and economic growth patterns compatible with sustainable development. The preamble also proclaims that even the least developed countries will share the benefits of global production and trade in goods.

2. On the occasion of the Third Ministerial Conference of the World Trade Organization, the Committee urges WTO to undertake a review of the full range of international trade and investment policies and rules in order to ensure that these are consistent with existing treaties, legislation and policies designed to protect and promote all human rights. Such a review should address as a matter of highest priority the impact of WTO policies on the most vulnerable sectors of society as well as on the environment. The Committee recalls its statement of May 1998 on

* Adopted at its 47th meeting, twenty-first session, held on 26 November 1999.

Globalization and Economic, Social and Cultural Rights in which it emphasized that the realms of trade, finance and investment are in no way exempt from human rights principles and that "the international organizations with specific responsibilities in those areas should play a positive and constructive role in relation to human rights".

3. In its task of monitoring compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights (the Covenant), the Committee has become increasingly aware of the extent to which international economic policies and practices affect the ability of States to fulfil their treaty obligations. The Committee therefore underlines and endorses the call from the United Nations Sub-Commission on the Promotion and Protection of Human Rights in its resolution 1999/30 of 26 August 1999 for steps to be taken "to ensure that human rights principles and obligations are fully integrated in future negotiations in the World Trade Organization", and for proper study to be undertaken of the "human rights and social impacts of economic liberalization programmes, policies and laws".

4. The Committee is aware of the impending further rounds of trade liberalization negotiations and that new areas such as investments might be included in the WTO system. It thus becomes even more urgent that a comprehensive review also be undertaken to assess the impact that trade liberalization may have on the effective enjoyment of human rights, especially the rights enshrined in the Covenant. The UNDP Human Development Report 1999 signals a strong warning against the negative consequences of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), particularly on food security, indigenous knowledge, bio-safety and access to health care - major concerns of the Committee as reflected in articles 11 to 15 of the Covenant. The wave of economic and corporate restructurings undertaken to respond to an increasingly competitive global market and the widespread dismantling of social security systems have resulted in unemployment, work insecurity and worsening labour conditions giving rise to violations of core economic and social rights set forth in articles 6 to 9 of the Covenant.

5. It is the Committee's view that WTO contributes significantly to and is part of the process of global governance reform. This reform must be driven by a concern for the individual and not by purely macroeconomic considerations alone. Human rights norms must shape the process of international economic policy formulation so that the benefits for human development of the evolving international trading regime will be shared equitably by all, in particular the most vulnerable sectors.

6. The Committee recognizes the wealth-generating potential of trade liberalization, but it is also aware that liberalization in trade, investment and finance does not necessarily create and lead to a favourable environment for the realization of economic, social and cultural rights. Trade liberalization must be understood as a means, not an end. The end which trade liberalization should serve is the objective of human well-being to which the international human rights instruments give legal expression. In this regard the Committee wishes to remind WTO members of the central and fundamental nature of human rights obligations. At the World Conference on Human Rights held in 1993 in Vienna, 171 States declared that the promotion and protection of human rights is the first responsibility of Governments.

7. In its work, the Committee will continue to monitor the impact of international economic policies on the progressive realization by States parties of their obligations under the Covenant, as well as the extent to which States contribute to formulating international and national economic policies that disregard and/or impact negatively on economic, social and cultural rights.

8. The Committee urges WTO members to ensure that their international human rights obligations are considered as a matter of priority in their negotiations which will be an important testing ground for the commitment of States to the full range of their international obligations. The Committee would welcome the opportunity to collaborate with WTO on these matters and thereby be active partners towards the realization of all the rights set forth in the International Covenant on Economic, Social and Cultural Rights.